

CERTIFICATE OF EFS TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted to the United States Patent and Trademark Office on the date shown below via the "Electronic Filing System" in accordance with 37 C.F.R. § 1.6(a)(4).

Alana Kriegsman

Type or print name

/Alana G. Kriegsman/

Signature

May 1, 2007

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: VAN EMELLEN, Kristof et al

Serial No.: 10/507,084

Art Unit: 1626

Filed: September 08, 2004

For : PIPERAZINYL-, PIPERIDINYL- AND MORPHOLINYL-DERIVATIVES
AS NOVEL INHIBITORS OF HISTONE DEACETYLASE

Mail Stop: Patent Application (Response)

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

ELECTION

This is in reply to the Office Action mailed April 5, 2007. The Examiner has required restriction among 9 exemplary groups, stating that "[d]ue to the numerous variables in the claims... and their widely divergent meanings, a precise listing of inventive groups cannot be made." (Office Action mailed April 5, 2007 at page 3). The request is traversed on the grounds that the Examiner's assertion that the exemplary Groups I-IX are "not so linked as to form a single general inventive concept under PCT Rule 13.1" lacks the required support. It is submitted that the burden is on the Examiner to cite appropriate prior art to clearly show that the defined Groups clearly have distinct status in the art. Failing that, a restriction requirement is not proper. It is further submitted that in view of the fees charged for filing of divisional patent applications and prosecution and maintaining the resulting patents places an undue burden on the Applicant, which requires that any restriction or election requirement be clearly supported and made according to the rules.

Nonetheless, Applicant provisionally elects the following Group, wherein: Q is C; X is N; Y is N; Z is O or NH; t is 0,1,2,3,4; L is as defined in claim 1; R¹ is as defined in claim 1 excluding heteroaryl and heterocyclic related groups in R⁷; R² is as defined in claim 1; A is phenyl, naphthyl, or indolyl; and R⁵ is hydrogen or phenyl.

No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/PRD-2014USPCT/AGK.

Respectfully submitted,

/Alana G. Kriegsman/

By: _____

Alana Kriegsman, Reg. 41,747

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1495
Dated: May 1, 2007